

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-18 are currently pending. Claims 1 and 10, which are independent, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Support for this amendment is provided throughout the Specification. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1, 3, 10 and 12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,614,987 to Ismail, et al. (hereinafter, merely “Ismail”) in view of WO 99/01984 to Maissel, et al. (hereinafter, merely “Maissel”) and further in view of U.S. Patent No. 6,581,207 to Sumita, et al. (hereinafter, merely “Sumita”).

Claims 2 and 11 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 1 and 10, and further in view of Dunlop

(“The Effects of Accessing Non-matching Documents on Relevance Feedback”) and U.S. Patent No. 6,408,295 to Aggarwal, et al. (hereinafter, merely “Aggarwal”).

Claims 4-6 and 13-15 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel, as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,005,561 to Hawkins, et al. (hereinafter, merely “Hawkins”).

Claims 7 and 16 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,457,010 to Eldering, et al. (hereinafter, merely “Eldering”) and further in view of U.S. Patent No. 6,185,360 to Inoue, et al. (hereinafter, merely “Inoue”).

Claims 8 and 17 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,266,664 to Russel-Falla, et al. (hereinafter, merely “Russel-Falla”) and still further in view of Inoue.

Claims 9 and 18 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 1 and 10, and further in view of Eldering.

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...wherein an order and a number of the attribute items is predetermined;

said selection information is expressed with an n-dimensional vector S comprising user preference items as elements,

wherein each element is a preference intensity of a corresponding element in the n-dimensional vector A...”  
(Emphasis added)

Thus, generally, the present claimed invention is directed to elements having a preference intensity of a corresponding element. Therefore, the preference intensity adds a dimension that a user may like or dislike the item. This claimed intensity feature indicating a degree of preference is not disclosed or suggested in the art used as a basis of rejection.

Indeed, as understood by Applicants, Ismail relates to a system for recording television programs for subsequent viewing by a user that includes a preference determination module which is responsive to attribute information associated with television programs viewed by the user. The preference determination module categorizes the attribute information in accordance with categorization parameters to generate recordation preference information, indicative of television program viewing preferences of the user.

As understood by Applicants, Maissel relates to a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information.

As understood by Applicants, Sumita relates to an information-filtering unit that is connected with a user's video equipment by a communications line and a program content analyzing section that analyzes the contents of broadcast programs. A collation evaluation section evaluates the similarity between the analyses and a user's profile stored in a profile storage section. A program selecting selection transmits the result of program selection to the video equipment in the form of time information.

Applicants submit that Ismail, Maissel, and Sumita, taken either alone or in combination, do not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion wherein an order and a number of the

attribute items is predetermined, said selection information is expressed with an n-dimensional vector S comprising user **preference items as elements, wherein each element is a preference intensity** of a corresponding element in the n-dimensional vector A, as recited in claim 1. Indeed, Ismail categorizes the attribute information in accordance with categorization parameters to generate recordation preference information, which is distinct from Applicants' claimed invention.

Furthermore, Applicants submit that not only does the combination of Ismail, Maissel and Sumita fail to teach or suggest the claimed features, but the combination is improper because it lacks motivation. Applicants respectfully submit that the combination of Ismail, Maissel and Sumita is the result of improper hindsight using Applicants' claimed invention as a blueprint.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 10 is also believed to be patentable.

Therefore, Applicants submit that independent claims 1 and 10 are patentable.

#### IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800